

Message Text

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ORIGIN EB-07

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R 212014Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY BUDAPEST

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E.O. 11652:N/A

TAGS: EAIR, HU

SUBJECT: CIVAIR: PAN AM SERVICE TO BUDAPEST

REF: BUDAPEST 1013

1. WE HAVE NO DIFFICULTIES IN PRINCIPLE WITH HUNGARIAN REVISIONS TO DRAFT NOTE, BUT BELIEVE SOME REDRAFTING IS NECESSARY FOR STYLE AND CLARITY. EMBASSY SHOULD THEREFORE PROPOSE FOLLOWING MODIFICATIONS DRAWING ON EXPLANATION IN PARENTHESIS AS APPROPRIATE. (ITEMS ARE KEYED TO REFTEL.)

2. A. SAME AS REFTEL.

B. PREAMBLE TO THIS ITEM SAME AS REFTEL.

1) THIS PART SHOULD READ: "THE DESIGNATED AIRLINE OF THE UNITED STATES WILL BE PERMITTED TO INAUGURATE SERVICE TO BUDAPEST BEGINNING MAY 22, 1975 PURSUANT TO THE PROVISIONS OF THE AIR TRANSPORT AGREEMENT."

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2) ADD PHRASE "USING ITS OWN TRANSPORTATION DOCUMENTS" TO END OF FIRST SENTENCE. SECOND SENTENCE SAME AS REFTEL. (THIS IS MINOR CHANGE DESIGNED TO PARALLEL LANGUAGE IN

4) BELOW).

3) SAME AS REFTEL.

4) THIS PART SHOULD READ: "THE AIRLINE OF HUNGARY WILL ENJOY THE RIGHTS SPECIFIED IN PARAGRAPH B OF ARTICLE 13 INsofar AS THE SALE OF AIR TRANSPORTATION IN THE US IS INVOLVED, USING ITS OWN TRANSPORTATION DOCUMENTS." (AT LEAST UNTIL MALEV SERVES THE US, BELIEVE IT SHOULD BE ABLE TO DO BUSINESS IN THE US IN A RELATIVELY FREE MANNER. THE HUNGARIAN PROPOSED LANGUAGE WOULD, HOWEVER, LIMIT MALEV TO SALES ON ITS OWN SYSTEM AND THE SYSTEMS OF US AIRLINES. THE PROPOSED MODIFICATION ABOVE DOES NOT SO LIMIT MALEV.)

5) THIS PART SHOULD READ: "THIS FURTHER AGREEMENT AND OTHER MATTERS WILL AT THE REQUEST OF EITHER CONTRACTING PARTY BE REVIEWED IN CONSULTATIONS BETWEEN THE CONTRACTING PARTIES PRIOR TO THE INAUGURATION OF SCHEDULED SERVICE TO THE UNITED STATES BY THE DESIGNATED AIRLINE OF HUNGARY. IF AGREEMENT ON THE RIGHTS TO BE MADE AVAILABLE TO EACH SIDE CANNOT BE REACHED IN SUCH CONSULTATIONS, OR IF CONSULTATIONS ARE NOT COMPLETED WITHIN 120 DAYS OF THE DATE THEY ARE REQUESTED, THIS FURTHER AGREEMENT WILL AUTOMATICALLY TERMINATE." (THIS LANGUAGE WILL PROVIDE BOTH SIDES WITH OPPORTUNITY TO REVIEW COMMERCIAL ARRANGEMENTS - IF THIS SHOULD PROVE NECESSARY OR DESIRABLE - WHEN MALEV WISHES TO BEGIN SCHEDULED SERVICE TO US. IT IS ALSO MORE SPECIFIC THAN HUNGARIAN LANGUAGE IN REGARD TO MALEV'S RIGHTS TO SERVE US SINCE IF AN AGREEMENT ON SUCH RIGHTS (OR COMMERCIAL ARRANGEMENTS) CANNOT BE REACHED WITHIN A REASONABLE PERIOD OF TIME (IN THIS CASE 4 MONTHS), THIS FURTHER AGREEMENT WOULD AUTOMATICALLY TERMINATE. THIS ACTION WILL OF COURSE HAVE EFFECT OF TERMINATING PAN AM'S SERVICE TO HUNGARY SINCE WITHOUT THE FURTHER AGREEMENT FORESEEN IN THE EARLIER EXCHANGE OF NOTES ACCOMPANYING THE LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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CIVAIR BILATERAL AGREEMENT, PAN AM CANNOT OPERATE UNDER THE AGREEMENT.

3. ON ASSUMPTION MODIFICATIONS ABOVE WILL BE ACCEPTABLE TO HUNGARIANS, WE WILL INITIATE PROCEDURE TO SECURE CIRCULAR 175 APPROVAL WHICH IS PREREQUISITE TO COMPLETION FORMAL NOTE EXCHANGE. WOULD THEREFORE APPRECIATE EMBASSY'S EARLY ADVICE FURTHER SUBSTANTIVE CHANGES TO DRAFT NOTE HUNGARIANS MAY PROPOSE. KISSINGER

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